THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.8447 of 2007

23.04.2007

Between:

Mamidisetti Venkateswara Rao.

... Petitioner

AND

The Government of A.P., rep. by its Principal Secretary, Revenue Department, Hyderabad, and others.

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.8447 of 2007

ORDER:

The petitioner purchased land admeasuring Ac.0.56 in R.S.No.184/4 situated at Sidhantam Village, Penugonda Mandal, West Godavari District from Smt. Neelam Atchemma and her daughter Smt. Adapa Satyaveni under registered sale deeds. He traced the title of his vendors to one Smt. Noothikurthi Brahmamma, who was statedly assigned subject land on 30.04.1978. Be that as it is, fourth respondent initiated action under the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (the Act, for brevity) and issued notice dated 15.03.2006 to the petitioner through his son. Subsequently by order in ROC.No.370/2005/A dated 20.06.2006, fourth respondent passed orders resuming the land under Section 4 of the Act and the petitioner was also informed that an appeal would lie to third respondent, namely, the Revenue Divisional Officer(RDO), Kovvur, within ninety days. Aggrieved by the same, instant writ petition is filed.

The learned counsel for the petitioner submits that the petitioner was away in gulf countries from 2005 till January, 2007 and that the petitioner came to know about the order of resumption only when he came to India in January, 2007. He further submits that said order was passed without properly serving notice as required under Rule 3 of the Andhra Pradesh Assigned (Prohibition of Transfer) Rules, 1977 (the Rules, for brevity) and therefore, the same is unsustainable. He also submits that the petitioner himself is a landless poor person and therefore, the alienation in his (petitioner's) favour is saved under Section 3(5) of the Act.

Opposing the writ petition, the learned Assistant Government Pleader for Revenue (General-A) submits that the petitioner was away in gulf countries and therefore, notice was served on his son, who received the notice, but did not submit explanation. He also submits that there is an effective alternative remedy available by way of before

third respondent.

The learned counsel for the petitioner does not dispute that Section 4-A of the Act provides for an appeal to third respondent. The learned counsel, however, disputes the issuance of notice as well exercise of jurisdiction by fourth respondent on the ground that the petitioner is landless poor person. These two questions are questions of fact, which require verification of record. Therefore, it would be in the interests of justice to give liberty to the petitioner to approach third respondent to file an appeal within a period of one week from the date of receipt of a copy of this order. As and when such appeal is filed, third respondent may entertain the same and pass appropriate orders, on merits, in accordance with law.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

23rd April, 2007
ghn